

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL HISEY,

Plaintiff,

v.

QUALTEK USA, LLC et al.,

Defendants.

CIVIL ACTION

No. 18-5129

ORDER

AND NOW, on this 16th day of August, 2019, upon consideration of the Amended Complaint (Doc. No. 20), Defendants' Motion for Sanctions and Memorandum in Support thereof (Doc. Nos. 12, 16), Plaintiff's Response thereto (Doc. No. 18), Defendants' Motion to Dismiss and Memorandum in Support thereof (Doc. Nos. 28, 30), Plaintiff's Response thereto (Doc. No. 33), Defendants' Reply in support of the Motion to Dismiss (Doc. No. 34), and the oral argument held on May 28, 2019, it is **ORDERED** that, as set forth in the Court's August 16th, 2019 Memorandum:

1. The Motion to Dismiss (Doc. No. 28) is **GRANTED IN PART AND DENIED IN PART**, such that Count III under the Pennsylvania Wage Payment and Collection Law is **DISMISSED WITH PREJUDICE** and Count II under § 1981 is **DISMISSED AS TO THE INDIVIDUAL DEFENDANTS ONLY AND WITHOUT PREJUDICE**;
2. The Motion for Sanctions (Doc. No. 12) is **DENIED**; and
3. Any amendment to the Complaint shall be filed within 21 days of entry of this Order.

BY THE COURT:



GENE E. K. PRATTER

UNITED STATES DISTRICT JUDGE